

### **17.1.0 INTRODUCTION**

Emergency Assistance (EA) is designed to meet the immediate needs of eligible persons facing a current emergency. The emergency must be due to fire, flood, natural disaster, energy crisis, homelessness or impending homelessness. EA is intended to avoid destitution of a child and provide living arrangements for the child in a home. EA is not linked to the receipt of any other public assistance. EA should not be used to pay for *temporary* shelter for homeless and impending homelessness. It can be used to pay for temporary shelter in cases of fire, flood or natural disaster. If there are additional needs beyond obtaining or retaining housing for homelessness and impending homelessness, EA can pay for those.

### **17.2.0 APPLICATION**

Persons applying for EA must complete the Application for Emergency Assistance (7.0.0) form, DES 2010. A person requesting EA has the right to complete an application on the same day as his/her request for EA.

An application is considered complete on the date it has a legible name, address, signature by the applicant or his/her representative, and is completed to the best of his/her ability. A completed application begins the 5-day clock for determining eligibility.

Process the completed application within 5 working days after it is received. If the Emergency Assistance group (EAG) is eligible, a payment must be issued within the same 5 working days.

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**17.2.1 Payment Delay Exception** The only exception for delaying payment is if the group:

1. Is either:
  - a. homeless for a reason other than fire, flood, natural disaster, or energy crisis; or
  - b. facing impending homelessness and is obtaining a new permanent residence;

**and,**

2. Has not notified you it has found a permanent living accommodation within 5 working days of its application.

If the group has not notified you it found a permanent living accommodation within 5 working days of its application, notify the group that its eligibility is valid for an additional 25 days. If, after 30 days from the date of application, the group has still not notified you it found a permanent living accommodation, do 1 of the following:

- a. Extend the processing delay an additional 30 days, if you determine there is cause, **or**
- b. Deny the application. The group may reapply if it later finds a permanent living accommodation.

**17.2.2 Verification**

The agency is required to determine EA eligibility within 5 working days after receiving a completed application. During this 5 working-day period, the EA group will provide all information and verification needed to determine eligibility.

If the needed verification is beyond the ability of the EA group to provide, assist the group in obtaining the verification. If the verification can not be secured, consider its importance to determining eligibility; if not crucial, proceed without it. If crucial, deny the application. The EA group may reapply at any time.

Verify that the emergency was due to a fire, flood, natural disaster, energy crisis, homelessness, or impending homelessness. In an emergency, assistance is needed immediately, so make every effort to verify the emergency as quickly as possible. This may be done through a reliable report, or a visit to the scene.

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**Example:** A fire destroys a family's belongings. You may telephone the fire department to verify the emergency was due to fire.

17.2.2.1 Homelessness

For homelessness not caused by fire, flood or natural disaster, accept whatever verification is available. There may be some situations where verification is impossible.

17.2.2.2 Impending Homelessness

For impending homelessness, verify the following conditions (for definitions of both conditions below, refer to 3.5.3 and 3.5.4):

1. That the family is experiencing a financial crisis that makes it difficult or impossible to make a rent, mortgage, or property tax payment.
2. That the family has been notified it will be required to leave its current housing if it does not make this payment immediately.

17.2.3 Processing

Except for homeless cases, the county of residence is responsible for processing and paying EA. The county wherein the person/group is homeless must process the application and pay the benefits.

**Example:** A homeless group lives in Columbia County and applies for EA there. The group finds housing and moves to Dane County. Columbia County is responsible for processing the application and payment of benefits to the group.

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#### 17.2.4 Notice of Determination

The agency must notify the applicant in writing of the eligibility determination. If the application is denied, the notice must include reasons for the denial and information about the opportunity to appeal the decision. Use the same appeal process as used in W-2. Refer to Chapter 19 for further information on the timeline for appeal.

##### 17.2.4.1 EA Denials

Everyone has the right to apply for an Emergency Assistance Grant. EA groups that complete an EA application and are issued a negative notice must be tracked in EATS (the Emergency Assistance Tracking System) . After the EA staff person finds the group ineligible and issues a negative notice he/she will enter demographic information into the EATS system for all group members and indicate a denied application by selecting denial reason from a drop down box.

The EATS system will produce denial reports that will indicate who was denied and the recorded reason for a specified time period. The reports will be generated statewide and also for each geographic area. The denial reasons that will be included in the drop down box are listed below.

Denial Reasons for EATS system (select the most appropriate reason for each denial):

- Received an EA Grant within the allowable 36 month time limit
- Received an EA Grant within the allowable 12 month time limit
- Circumstances do not meet the EA definition of an emergency
- No eligible dependent children in the group
- No eligible caretaker relative in the group
- Not a resident of Wisconsin
- Income and/or assets exceed need
- Group does not meet US citizen or qualifying alien requirement
- Group is in a doubled-up housing situation
- Unable to obtain an apartment within the 30 day timeframe
- Landlord or bank will not agree to stop eviction or foreclosure action
- Emergency is the result of a refusal to accept employment/training without good cause

- Does not have a notice to terminate tenancy
- Does not have a documented financial crisis
- Crucial verification was not available
- Applied in the wrong geographic area

### 17.3.0 NONFINANCIAL ELIGIBILITY

Use the following criteria to determine the nonfinancial eligibility of the EA group.

#### 17.3.1 EA Group

The EA group must include all of the persons living in the household at the time of the emergency. All the group members must be listed on the application.

**Example:** There is a family of 2 parents and 3 children. A fire destroys the family home. One of the parents is killed in the fire. Use the size of the group at the time of the emergency. The correct group size is 5.

Eligibility of the EA group is based on the caretaker relative and, if applicable, the other caretaker relative living in the household (i.e., spouse or nonmarital co-parent.) Eligibility is not based on the dependent child's prior receipt of EA. It is based only on whether the caretaker relatives in the current EA group received EA within the specified time limits. The examples below illustrate various instances of re-configuration of EA groups.

**Example 1:** Jane and her two children receive EA in September for homelessness. The children go to live with their dad, Joe, who becomes homeless in January and applies for EA. Since Joe has not received EA in the previous 36 months, Joe is eligible and the EA payment is based on Joe and the two kids.

**Example 2:** Roberta, Tyrone and their 4 children receive EA in July for homelessness. Roberta and Tyrone split up and Roberta moves out. Tyrone reapplies for EA in December after his hours are cut at work and he can not make the rent payments. Tyrone is not eligible, because he received EA in July for homelessness, which has a 36-month time limit.

**Example 3:** Rose and her daughter, Marta, receive EA in June for impending homelessness. Rose goes to jail in July and Marta goes to live with Rose's sister, her Aunt Maria. Aunt Maria applies for EA in August for homelessness and is eligible, and the EA group includes Aunt Maria and Marta.

**Example 4:** Tula and her daughter Lucy receive EA due to impending homelessness in October. Tula's husband, Sam, is released from jail and moves in with the family 4 months later. Sam gets a full-time job and a year later, Sam's employer goes out of business. Sam then applies for EA due to impending homeless. Sam and his daughter Lucy are eligible for EA but Tula is not included in the EA group because she received an EA grant 10 months ago.

### 17.3.2 Persons Included in EA Group

Each person must be either:

1. A dependent child, but not an unborn child, or
2. A caretaker relative with whom a child is living or other caretaker relative in the household. The child for whom assistance is requested must currently, or within the 6 months prior to the date of application, live with the qualified caretaker relative in a place of residence maintained as the caretaker relative's own home.

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A dependent child is a person who resides with a caretaker relative and who is under the age of 18, or, if the person is a full-time student at a secondary school or a vocational or technical equivalent and is reasonably expected to complete the program before attaining the age of 19, is under the age of 19.

**Note:** If an SSI recipient meets the nonfinancial requirements, include him/her in the EA group. However, disregard the SSI payment received in the month of the emergency in calculating financial eligibility and payment.

#### 17.3.2.1 Caretaker Relative

The caretaker relative must be the child's:

1. Natural or legally adoptive parent.
2. Stepfather or stepmother.
3. Natural, legally adopted, half-, or step-brother or -sister.
4. Grandmother or grandfather, aunt or uncle, first cousin, niece or nephew, or any preceding generation denoted by the prefix grand-, great-, or great-great, and including those through adoption.
5. Spouse of anyone of the above even after the marriage is ended by death, divorce or separation. A spouse is that person recognized by Wisconsin law (does not recognize common-law marriage) as the caretaker's legal husband or wife.

##### 17.3.2.1.1 Minor Caretaker Relatives

An individual under 18 years of age is ineligible to be a qualified caretaker relative unless:

1. The individual is or has ever been married.
2. The individual has no parent, legal guardian, or other appropriate adult relative who is living or whose whereabouts are known.
3. No living parent, legal guardian, or other appropriate adult relative allows the individual to live in their home.
4. The individual or the child for whom assistance is requested is being or has been subjected to serious physical or emotional harm, sexual abuse, or exploitation in the residence of the individual's own parent or legal guardian.
5. Substantial evidence exists of an act or failure to act that presents imminent or serious harm if the individual and his/her

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minor child lived in the same residence with the individual's own parent or legal guardian.

6. The W-2 agency otherwise determines that it is in the best interest of the individual's child to waive the prohibition on assistance to unmarried caretakers who are under 18 years of age.

### **17.3.3 Other Eligibility Criteria**

In addition, the following criteria must be met:

1. All members of the EA group must be residents of Wisconsin. Use the definition of residence in Chapter 2. See the Income Maintenance Manual Chapter I, Part C for methods of residency verification.
2. All members of the EA group must be citizens or qualifying aliens. Refer to Appendix 1, Glossary, for a definition.
3. The need for assistance may not result from the child or qualified caretaker relative's refusal to accept employment or training without good cause.

### **17.3.4 Time Limits**

EA grants are limited to the following:

1. One 30-day period within any 12 consecutive months for those whose crisis results from fire, flood, natural disaster, energy crisis or homelessness and impending homelessness due to domestic abuse.
2. Once within any 36 consecutive months for groups who are impending homeless or homeless for reasons other than fire, flood, natural disaster, energy crisis, or domestic abuse (see 3.5.3 and 3.5.4).

The time limit used for receipt of EA depends on the cause of the emergency. Each time limit period, 36 months and 12 months, has a separate clock. Starting October 1, 2002 agencies can use the Emergency Assistance Tracking System to verify time limit information statewide.



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**Example:** Mary and her 2 children receive EA for homelessness as a result of domestic abuse; this has a 12-month time limit. Mary is not eligible for EA again for a 12-month cause (for example, fire, flood or natural disaster) until the original 12 months expire.

However, during that 12-month period, Mary may be eligible for a 36-month reason (for example, impending homelessness) because the time limits are separate. Within the original 12-months, Mary and her children are at risk of eviction because of a financial crisis. Mary receives EA for impending homelessness; this now starts her 36-month time limit.

Multiple payments can be made for fire, flood, natural disaster, energy crisis or domestic abuse within a 30-day period for the same emergency, but the total payments within this 30-day period may not exceed the maximum of \$150 per eligible EA group member (5.0.0).

A payment will be made once within a 30-day period, for groups who are impending homeless or homeless for reasons other than fire, flood, natural disaster, energy crisis or domestic abuse.

**Example:** After a fire in their home, a family of 4 receives an EA payment of \$500 for their needs. A week later, the family discovers other needs that resulted from the fire. They may receive up to an additional \$100, the maximum EA payment for a family of 4, within the 30-day period from their original payment.

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### 17.3.5 Emergency

Need for assistance must result from a current emergency due to at least 1 of the following:

1. Fire.
2. Flood.
3. Natural disaster.
4. Energy crisis.
5. Homelessness that is not the result of fire, flood, natural disaster, or energy crisis.
6. Impending homelessness.

#### 17.3.5.1 Energy Crisis

Energy crisis includes lack of or imminent loss of essential home heating. There must be or is likely to be an immediate threat to the health and safety of the group.

#### 17.3.5.2 Natural Disaster

The condition causing the natural disaster must be related to nature as opposed to a disaster caused by humans. Conditions in nature that may cause a natural disaster include:

1. Tornadoes
2. Earthquakes
3. Electrical or wind storms
4. Hail
5. Sleet
6. Mud or rock slides
7. Explosions

<p><b>Example:</b> Lightning strikes a house and causes an explosion.</p>
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### 17.3.5.3 Homeless

Consider a group homeless if it needs emergency funds to obtain a permanent living accommodation, and meets 1 of the following:

1. Has a current residence that is a shelter designed for temporary accommodation such as a motel, hotel, or emergency shelter facility. An emergency shelter facility is any facility with the primary purpose of providing temporary or transitional shelter to the homeless.
2. Must leave or has left their current housing because it is uninhabitable as determined by building inspection, health department, or other appropriate local authority. A statement from a knowledgeable person on the condition of the accommodation may be used as verification.

**Example:** The home is in a small community without a health department or building inspector. Staff from the local community action program, familiar with building codes, recommend that the dwelling be considered unfit for human habitation. The agency has the discretion to accept that opinion.

3. The group lacks a fixed, regular, and adequate nighttime residence.

**Example:** Mary and her 5-year-old daughter are living with Mary's sister and her 2 children. Mary is not eligible for EA because she has a fixed, regular and adequate place for herself and her daughter to sleep.

4. The group is living in a place that is not designed for, or ordinarily used as a regular sleeping accommodation. Examples are: public hallways, parks, bus stations, and building entrances.

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*17.3.5.3.1 Homelessness  
and Abuse*

A group may be eligible under the condition of homelessness or impending homelessness if the condition results because a member of the group was subject to domestic abuse as defined under s.968.075(1), Wis. Stats. Domestic abuse means any of the following engaged in by an adult person against his/her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person created a child:

1. Intentional infliction of physical pain, physical injury or illness.
2. Intentional impairment of physical condition.
3. Sexual assault as defined under s. 940.225(1), and (3), Wis. Stats.
4. A physical act that may cause the other person reasonably to fear imminent engagement in the conducts described in the previous 3 items.

*17.3.5.4 Impending Homelessness*

Consider a group to be impending homeless if it meets both of the following:

1. The EAG is experiencing a financial crisis that is due to reasons beyond the control of the caretaker relative of the group or that constitute good cause as determined by the W-2 agency.

Verify that the crisis is caused by one of the following:

- a. Loss of employment that does not include voluntarily leaving appropriate employment without good cause.
- b. Substantial loss of wages due to illness or injury of a group member, domestic violence, lack of child care, a transportation breakdown, or a reduction of work hours by an employer.
- c. Loss of income due to a second parent leaving the group.
- d. Exceptional, unexpected, and necessary expenses that are not the responsibility of a third party, such as car repair expenses necessary for transportation to work or medical expenses not covered by insurance
- e. Loss of W-2 benefits due to a sanction that is later overturned through the dispute resolution process.

- f. Other conditions as determined reasonable by the W-2 agency. These criteria provide agencies with the flexibility to consider situations that do not meet 1 of the preceding criteria. It is not possible to create an exhaustive list of conditions that meet these criteria.

**Example:** Steve, a waiter, has his backpack stolen at the bus stop. His backpack contained his wallet and his cash tips for the night. Steve applies for EA, explaining that he was planning to use his tips to pay his family's rent. He brings a copy of the police report to verify this. This situation is a financial crisis and meets the criteria, "Other conditions as determined reasonable by the W-2 agency."

Examples of verification for the conditions of financial crisis include: a layoff notice, receipts for medical expenses, and receipts from a mechanic for car repairs.

2. The EAG has received a notice to terminate tenancy because of nonpayment of rent or mortgage. This notice may be either a notice for nonpayment of rent, or a notice of foreclosure from a bank or local government. The notice must be in the name of the EA applicant.

**Example:** Jeff and his daughter moved in with Jeff's sister and her family when Jeff divorced his wife. Jeff and his daughter are not on the lease. Jeff's sister receives an eviction notice for failure to pay rent. Although the sister and her family may be eligible for EA for impending homelessness, Jeff and his child are not. They must have a notice in their name.

Generally, the nonpayment of rent notice will be a 5-day notice from a landlord. This is a notice that the landlord plans to begin eviction proceedings in 5 days. However, any notice that follows the initial 5-day notice in an eviction proceeding is also valid, including a summons to court for eviction proceedings.

The EA agency must verify this notice with the issuing party. The verification may be oral or written.

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*17.3.5.4.1 Impending  
Homelessness and Abuse*

A group may be eligible under the condition of impending homelessness if this situation is caused by domestic abuse as defined in 3.5.3.1.

*17.3.5.4.2 Stay of Eviction  
Proceedings*

The stay of proceedings applies only to EA applicants for impending homelessness. Section 799.40(4), Stats., provides:

1. If a tenant applies for EA, the court must stay the proceedings in a civil action of eviction.
2. The tenant shall inform the court of the outcome of the determination of eligibility for emergency assistance.
3. The stay remains in effect until the tenant's eligibility for EA is determined and, if the tenant is determined eligible, until the tenant receives the EA.

**17.4.0 FINANCIAL ELIGIBILITY**

There is no income limit test for EA eligibility. Count the available assets and income for the purpose of determining the EA payment amount (see EA application). Use the following criteria to determine financial eligibility for the month of the emergency. The month of the emergency is the month in which the EAG meets the criteria for emergency in 3.5.0.

**17.4.1 Assets**

To determine available assets for the EA group, use the W-2 asset policy in Chapter 3, Section 3.3.2. In addition, do not count:

1. Any asset with fair market value less than \$3,000, requiring liquidation at a loss.
2. Real property.

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### 17.4.2 Income

To determine available income for the EA group, use the W-2 income policy, Chapter 3, Section 3.2.3. In addition, disregard:

1. Income received in the month of the emergency, but before the date of the emergency, that was used to meet the group's needs.
2. Any of the following received by an EA group member in the month of the emergency:
  - a. W-2 payments
  - b. SSI payments,
  - c. Kinship Care payments
  - d. C-Supp payments or
  - e. Food stamps.

**Example:** A group applying for emergency assistance received a VA benefit of \$800 early in the month. The group used \$500 of the benefit to pay its mortgage for that month, one week before the house burned down. Don't count \$500 of the benefit in determining eligibility or calculating the group's payment.

### 17.4.3 Needs Determination

Determine need and, if eligible, the payment amount by completing the computations on Page 4 of the application (17.7.0 Application Form Instructions).

#### 17.4.3.1 Monthly Needs

When determining total financial need, determine the amount of the EA group's necessary monthly expenses not paid prior to the emergency apart from any emergency needs. These monthly expenses include housing, food, utilities, transportation, medical and child care, and should be listed under "Monthly Needs" in the application.

Add the Monthly Needs to the calculated amount for needs resulting from the emergency, called Physical Needs.

#### 17.4.3.2 Physical Needs

An EA group's needs that are the result of the emergency are referred to as "Physical Needs" and should be listed in that category on the application. Physical needs are limited to:

1. Food
2. Clothing
3. Temporary housing (only when homelessness is caused by fire, flood, or natural disaster)

Do not use EA for providing emergency shelter if the group is homeless for a reason other than fire, flood, or natural disaster.

4. First month's rent plus security deposit.
5. Unpaid rent connected to a financial crisis, for impending homeless applicants.
6. Home energy, which may include heating fuel, electricity, and repair or replacement services necessary to maintain the basic heat and electrical requirements of an average household.
7. Household items
8. Home repairs and appliances
9. Transportation
10. Medical care

Do not count needs that have been met through other sources, such as through free meals or clothing distributions.



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#### 17.4.3.3 Calculating Needs

Subtract the assets and income available to the group from the total need determined above. Except for energy crisis, pay the lowest of:

1. \$150 for each eligible EA group member;
2. The amount requested by the group; or
3. Total financial need due to the emergency.

**Example:** You find a group of 3 eligible for EA. The maximum payment for the group is \$450 (3 X \$150). However the group asks for only \$200. Since the requested amount is less than the maximum, the EA issuance is \$200.

#### 17.4.4 Social Service Needs

Do not calculate the EA group's social service needs into financial need determination. If the EA group needs social services, provide them with appropriate referrals to available services. The following are examples of social services for the EA group:

1. Information and referral
2. Counseling
3. Securing family shelter
4. Child care funding through county or tribal human services or social services agencies.

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### 17.5.0 PAYMENT

Payments may be made for only one 30-day period within any 12 or 36 consecutive months, depending on the reason EA was granted (3.3.0):

1. The date of the 1st payment authorized begins the 30-day period.
2. The period ends 30 days after the initial payment, whether or not additional requests or payments for the same emergency are made.

Payment may be by:

1. Check to the client
2. Voucher
3. Vendor payment.

Pay within 5 working days of receipt of the application, with the exception of an EAG that is eligible due to homelessness or impending homelessness, not related to fire, flood or natural disaster (17.2.1). In that instance, issue the payment:

1. Following the eligibility determination, and
2. Within 5 working days of the date that the group notifies you that a permanent living accommodation has been found.

#### 17.5.1 Waiving Right to Proceed with Eviction/Foreclosure

Payments made for EA applicants facing impending homelessness are contingent on the following: you must confirm that the landlord, bank or local government issuing the notice to terminate tenancy agrees not to proceed with the eviction or foreclosure action for this notice served if they accept the EA payment on behalf of the EA group.

#### 17.5.2 Informed Request

When the group requests an EA amount less than the maximum, have the primary person agree in writing to the following:

1. The amount of the maximum payment.
2. That s/he is aware of the maximum payment, but requests a lesser amount.

File a copy of this statement in the record, and give the original to the group.

### 17.6.0 ASSISTANCE PROVIDED

Along with assistance to obtain or retain a permanent living accommodation, you may use EA funds for services that include:

1. Temporary housing and food.
2. Emergency transportation to a shelter.
2. Counseling for victims of domestic abuse.

EA funds can only be used to pay for shelter in cases of fire, flood or natural disaster. In all other cases, only provide assistance to obtain or retain a permanent living accommodation, unless you granted assistance through either the state:

1. Domestic Abuse Shelter Program (Wis. Stats., 46.95) or;
2. Homeless Shelter Grant Program (Wis. Stats., 16.352).

The Domestic Abuse Shelter Program and Homeless Shelter Grant Program funds can be used to pay for shelter. If there is additional money left after establishing a permanent living accommodation and there are additional needs (e.g. furniture, household goods) EA monies can pay for those additional needs.

#### **17.7.0 APPLICATION FORM INSTRUCTIONS**

Use DES 2010, Emergency Assistance Application and **AND** Instructions, immediately following, for all EA applicants.

#### **17.8.0 EMERGENCY ASSISTANCE TRACKING SYSTEM**

In response to requests from agencies, DWS has created a new Internet-based tracking system for Emergency Assistance. Agencies will use the Emergency Assistance Tracking System (EATS) beginning October 1, 2002 to track receipt of all EA grants and denials in their agency.

Agencies will also use the system to verify prior receipt of EA within the appropriate time limits for EA applicants (12 or 36 months). All of the data collected in EATS comes from the Emergency Assistance Application, form DWS 2010. Agencies can access EATS through the W-2 partner page:

<http://www.dwd.state.wi.us/dws/w2/w2partnr.htm>